

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	HOWARD COUNTY
EMILY KOWALSKI		
FOR A CERTIFICATE OF APPROVAL	*	HISTORIC PRESERVATION
FOR EXTERIOR ALTERATIONS	*	COMMISSION
AT 3776 CHURCH ROAD	*	Case No. 19-56
ELLCOTT CITY, MARYLAND		

\* \* \* \* \*

**DECISION AND ORDER**

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on December 5, 2019 to hear and consider the application of Emily Kowalski (“Applicant”), for a Certificate of Approval for exterior alterations at 3776 Church Road, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Eileen Tennor, Allan Shad, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the December 5, 2019 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

### **Summary of Testimony**

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

### **Findings of Fact**

Based upon the evidence, the Commission makes the following findings of fact:

#### **A. The Subject Property**

This property is located in the Ellicott City Historic District. According to SDAT the building dates to 1980. The building is not historic; it is non-contributing to the district.

#### **B. Proposed Improvements**

The Applicant proposes to remove three trees that are within 5 feet of the house. The trees have a diameter at breast height ("DBH") of approximately 12 to 18 inches. The Applicant believes the trees are the species Paulownia, which are invasive. The roots are growing underneath the house and the branches are growing over the roof. The application states the trees are "imminently capable of causing damage to the structure of the house." The Applicant proposes to replant three wax myrtle trees, and plant them back a bit from where the current trees are but keep them a few feet from the property line. The application explains the wax myrtle tree is a native, moderately deer resistant evergreen frequently used as a privacy screen that will grow to approximately 12 feet in height.

The Applicant also proposes to install a storage shed on the edge of the property. The shed will be 12 feet deep by 16 feet wide. The shed will have a black metal roof and LP SmartSide engineered wood lap siding with a cedar texture and stain. The windows on the shed will match those shown on the example photo. The windows will be metal. The shed will either sit on a gravel foundation or post footings, which may be necessary due to the slope. The Applicant has not yet determined what will be used to create a border around the gravel in order to contain the gravel, such as wood or paver stones.

**C. Staff Report**

***Chapter 9.B: Landscape and Site Elements, Trees and Other Vegetation***

- 1) Chapter 9.B recommends against the “removal of live mature trees, unless it is necessary due to disease or to prevent damage to historic structures.”*
- 2) Chapter 9.B recommends, “plant new trees and shrubs far enough from buildings to avoid moisture problems and damage to the buildings from falling limbs and roots as the plants grow.”*
- 3) Chapter 9.B recommends, “include landscaping improvements as part of any construction projects in locations visible from a public way. In most cases, use plant varieties native to the area.”*
- 4) Chapter 9.B recommends, “retain mature trees and shrubs. Provide for their replacement when necessary.”*

While the house is not historic, the trees are visibly growing close to the foundation and roofline and pose a threat for damage, especially to the foundation. While the trees do not appear to be in poor health, the proposal does comply with the Guidelines as the trees



are too close to the building, and the Applicant will replant three trees of a native variety farther away from the house.

***Chapter 7.C: New Construction: Additions, Porches and Outbuildings;  
Construction of New Garages, Sheds and Other Outbuildings***

- 5) *Chapter 7.C states, “new garages and sheds should follow the historic pattern of being detached from the main building, and if practical, located in a side or rear yard.*
- 6) *Chapter 7.C recommends “if allowed by the size and shape of the property, place new outbuildings to the side or rear of the main building, separated from the main building by a substantial setback.”*

The shed will be located in the side yard and complies with the Guideline recommendation.

- 7) *Chapter 7.C recommends, “design outbuildings visible from a public way to be compatible in scale, form and detailing with historic structures and outbuildings in the neighborhood.”*
- 8) *Chapter 7.C recommends, “design outbuildings to be subordinate in size and detail the principal buildings in the immediate vicinity.”*
- 9) *Chapter 7.C recommends, “use materials compatible with the main building on the lot or with historic outbuildings in the immediate neighborhood.”*

The proposed shed design is a simple black metal gable roof and engineered wood lap sided structure. The form and materials are compatible with nearby historic buildings, although the principal building on this lot and the neighboring lot, are not historic.

Due to the topography, the yard slopes substantially toward Church Road and it seems unlikely that the shed could be constructed in a flat gravel bed without constructing retaining walls. Most likely post footings will be needed, in which case the shed will not be flush with the ground and some type of foundation screening may be needed. If screening is needed, the applicant should submit a new application for approval.

**D. Staff Recommendation**

Staff recommends the HPC approve the application as submitted.

**E. Testimony**

Mr. Shad asked if anyone in the audience would like to testify against or for the case, besides the Applicant. There was no one in the audience that wished to testify. Mr. Shad swore in Matthew Kowalski, the property owner, and asked if Mr. Kowalski had any questions regarding the staff report. Mr. Kowalski said he had no comments on the staff report.

Ms. Tennor said the Commission is not very fond of invasive species and that she did not have a problem with the removal of the trees in questions as they are very close to the house. Mr. Kowalski said that there has been tree growth under the structure of his house and it has been causing problems for his home.

Mr. Roth said he visited the site earlier in the day, and agreed the trees to be Paulownia, an invasive species. Mr. Roth said the property is adjacent to Mt. Ida and he wondered if the trees were part of the landscaping associated with Mt. Ida, or if they predated the construction of the subject house. Mr. Roth explained that he looked at aerial photographs of the land prior to the construction of the Kowalski's house and the trees appear to be recent, and younger than the house. Mr. Roth found the trees did not have any

historic contribution to the historic setting of Mt. Ida and said he did not have a problem with the trees being removed.

Ms. Burgess said there is an evergreen screen on the Mt. Ida property that buffers Mt. Ida's view to the Kowalski's property and the location of the proposed shed.

The Commission discussed the visibility of the shed and found it would not be highly visible from Church Road due to the placement and the topography of the property.

**F. Motion**

Mr. Roth moved to approve the proposal as submitted. Ms. Tennor seconded. The motion was unanimously approved.

**Conclusions Of Law**

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

**A. Standards of Review**

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.



Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 7 sets forth the relevant recommendations for New Construction: Additions, Porches and Outbuildings, as detailed in the Findings of Fact, part C. Chapter 9 sets forth the relevant recommendations for Landscape and Site Elements, as detailed in the Findings of Fact, part C.

**B. Application of Standards**

Applying these standards and guidelines to the Subject Property, the Commission finds that it does not contribute to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be lenient in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant proposes to remove three Paulownia trees, an invasive species, which are threatening his residence. The residence is not a historic building but it is located in the vicinity of Mt. Ida, an important contributing property to the historic and architectural character of Ellicott City. The Applicant also proposes to install a shed.

The proposed work is in accord with the Guidelines, which provide for preservation of existing buildings if threatened by tree growth, and recommend replacement with native species. Wax Myrtle is an appropriate replacement for this property. Additionally, the location and design of the shed is compatible with the area and of an appropriate scale. In the event grading is required beyond that described in the application, it is approved if Staff

determines the change is *de minimus*, otherwise, additional grading may require another application.

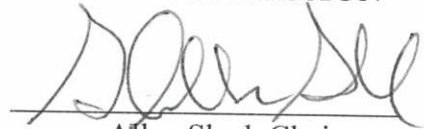
For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.



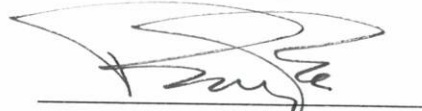
**ORDER AND CERTIFICATE OF APPROVAL**

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 6 day of February, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval for exterior alterations at the Subject Property, is **APPROVED**.

**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**



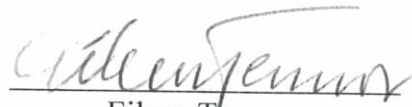
Allan Shad, Chair



Bruno Reich



Drew Roth



Eileen Tennor



Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor  
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.

IN THE MATTER OF  
THE APPLICATION OF  
FINN RAMSLAND

FOR A CERTIFICATE OF APPROVAL  
TO PERFORM EXTERIOR ALTERATIONS  
AT 6060 OLD LAWYERS HILL ROAD  
ELKRIDGE, MARYLAND

\* BEFORE THE  
\* HOWARD COUNTY  
\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 19-59

\* \* \* \* \*

### **DECISION AND ORDER**

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on December 5, 2019 to hear and consider the application of Finn Ramsland (“Applicant”), for Certificate of Approval to perform exterior alterations at 6060 Old Lawyers Hill Road, Elkridge, Maryland (the “Subject Property”). The Commission members present were Eileen Tennor, Allan Shad, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval; (4) the Agenda for the December 5, 2019 Commission meeting; (5) the Lawyers Hill Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

### **Summary of Testimony**

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the

Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member. The Applicant testified in support of the application.

### **Findings of Fact**

Based upon the evidence, the Commission makes the following findings of fact:

#### **A. The Subject Property**

This property is located in the Lawyers Hill Historic District and is also listed on the Historic Sites Inventory as HO-447, "Maycroft." The Inventory notes the house "was built in 1871 by Charles G. Mayer, husband of Susan Dobbin Mayer who was the daughter of George Washington Dobbin, prominent lawyer, judge and educator who built his home on the hill, later known as Lawyers Hill in his honor." The house was built in the Queen Anne architectural style.

#### **B. Proposed Improvements**

The applicant proposes to install a residential, in-ground swimming pool on the north-west side of the house, opposite Old Lawyers Hill Road. The pool will be 55 feet long by 27 feet wide. The pool will be surrounded by a concrete deck and a 4-foot-tall black aluminum fence.

The pool and corresponding deck will be constructed out of the following:

- 1) Pool coping – Gray/brown concrete brick (as shown in application)
- 2) Waterline tile (visible on vertical wall of pool from the edge of the water to the coping)  
– Blue/grey tile (as shown in application)
- 3) Pool lining – Black, gray, tan pebble finished concrete/plaster



- 4) Pool accessories – There will be stepping stones leading to a boulder feature and slide next to the pool. There will be a raised bed to support the boulder and slide. The overall size, including height, of the raised bed is unknown.
- 5) Deck surrounding pool – The patio area will be approximately 1200 square feet in size and will be an untinted, brushed concrete.
- 6) Fencing surrounding pool – Black/dark gray, aluminum four-foot-tall fence in the style Hancock or Antietam (from Long Fence). Approximately 175 to 200 feet of fencing.
- 7) Mechanical equipment – northwest corner of the yard, to be screened by vegetation.

The applicant explained that the pool will be located between 23 and 30 feet from the driveway. The final offset is dependent on Health Department guidance, based on the location of the waste line to the septic tank.

**C. Staff Report**

***Chapter 4: The Secretary of the Interior's Standards for the Rehabilitation of Historic Properties***

- 1) *Standard 2 states, "The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided."*
- 2) *Standard 9 states, "New additions, exterior alterations, or related new construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."*



The pool will be located on the northwest side of the house, at the rear of the house. The property has a large frontage along Old Lawyers Hill Road, but the pool will not be visible from the road. While the proposed landscape setting for the pool adjacent to the house impacts the structure, the spatial relationship that characterizes the property is the large frontage visible from Old Lawyers Hill Road, which will remain an open naturalized space. The historic setting will remain intact.

***Chapter 7: New Construction: Additions, Porches, Garages and Outbuildings***

- 3) *Chapter 7 recommends, “attach additions to the side or rear of a historic building. Design and place additions to avoid damaging or obscuring key architectural features of the historic building.”*

The pool will not be visible from the public right-of-way. The pool will be located on the northwest corner of the house, which is the rear of the house. The addition of the pool will not damage or obscure any key architectural features of the house.

***Chapter 9.A: Landscape and Site Elements, Grading and Topography***

- 4) *Minimize clearing and grading by designing and siting new structures and other site improvements to blend with the natural contours of the site.*

There are many grade changes on the property, but the pool is proposed to be located on one of the flatter areas of the site. There will be a raised bed to support the boulder and slide. The overall size, including height, of the raised bed is unknown. More information on this item is needed to understand how it will affect the existing topography.

***Chapter 9.B: Landscape and Site Elements, Trees and Other Vegetation***

- 5) *Minimize removal of mature trees and shrubs and provide for their replacement with similar species whenever possible.*

- 6) *Maintain and install informal landscaping using a variety of trees, shrubs and flowers, particularly native species. Plant new trees and shrubs far enough from buildings to avoid moisture problems and damage to the buildings from falling limbs and roots as the plants grow.*
- 7) *Maintain the open feel of the District by minimizing property lines demarcations.*

The construction of a fence is required by code to have installed around the pool. The code requirement has specifications for the type of fencing as well, ensuring that children cannot fit their head through or easily climb over (for example, horizontal rails must be on the inside of the fence, rather than the outside where they can be used as footholds). The fencing will not be used as a property line demarcation, as it will only be located around the pool area.

#### ***Chapter 9.C: Landscape and Site Elements, Fences***

- 8) *Chapter 9.C explains, “property lines in Lawyers Hill are only occasionally defined by fencing. Fences are generally low and open, and made of painted wood boards or unpainted split rails. The open feel of the District will be maintained by limiting the use of fencing, and by use low, open fencing when fencing is necessary.*
- 9) *Chapter 9.C recommends, “when installing new fencing, use fencing that is low, open and made of wood. If necessary, this type of fencing can have an inconspicuous, inner wire fencing.*
- 10) *Chapter 9.C recommends, “plant vines or shrubs in front of solid fencing to reduce its visual impact from public roads.”*
- 11) *Chapter 9.C recommends against, “installing stockade, chain link, or wrought iron fencing in a location visible from a public road or a neighboring property.”*

While the Guidelines do not recommend use of a wrought iron fence (which this would emulate in style, though aluminum in material rather than iron), the fence will not be highly visible from the road or neighboring property. The fence will be most visible from the driveway. The fence will be 4 feet high, which is the shortest the fence can be in order to comply with the code requirements for fencing around a pool.

***Chapter 9.E: Landscape and Site Elements, Driveways, Walkways and Patios***

12) Chapter 9.E recommends, *“construct new walkways and patios of brick, flagstone or concrete pavers designed to look like flagstone. New walkways may also be constructed of bark chips or gravel.”*

13) Chapter 9.E recommends against, *“constructing new walkways and patios of poured concrete slabs within view of a public road.”*

The patio does not comply with the Guidelines recommending the use of brick, flagstone or concrete pavers design to look like flagstone. The patio will be constructed of concrete with a broom swept finish. The concrete will not be tinted.

The concrete patio will not be highly visible, if visible at all, from Old Lawyers Hill Road due to the change in topography, and location on the rear of the house.

***Chapter 9.F: Landscape and Site Elements, Driveways, Outdoor Lighting***

14) Chapter 6.F recommends, *“Design and locate lighting fixtures to be visually unobtrusive. Use dark metal of a similar unobtrusive material for freestanding lights.”*

15) Chapter 6.F recommends, *“To the extent possible, direct or shield lighting so that it illuminates only the area intended and does not spill onto neighboring properties. Design lighting to provide a reasonable level of brightness of the intended purpose.”*



New exterior lighting will only be installed within the pool; there will not be any new lighting around the site. The lighting within the pool complies with the Guideline recommendations.

**D. Staff Recommendation**

Staff recommends the HPC approve the installation of the pool per Items 1-4 and 7 in the scope of work. Staff recommends the HPC determine if Item 5, untinted brushed concrete, is appropriate pool decking. Staff recommends the HPC determine if Item 6, black aluminum fencing, is appropriate for the pool fencing.

**E. Testimony**

Mr. Shad asked if anyone in the audience wanted to comment on the case. No one in the audience wanted to comment. Mr. Shad swore in Finn Ramsland and asked if Mr. Ramsland had any comments on the staff report. Mr. Ramsland said he had no comments.

Mr. Roth said the Commission previously approved brushed plain concrete pool decking and aluminum black fencing for a pool fence when not visible from the road in Lawyers Hill.

Ms. Tennor asked Mr. Ramsland why he was using an un-tinted brushed concrete. Mr. Ramsland explained that they thought the contrast between the lighter concrete and brown coping looked nicer than a blended color all the way through. Ms. Tennor asked if Mr. Ramsland had a preference on the pool fencing. Mr. Ramsland said he knew the Lawyers Hill Guidelines do not recommend using aluminum fencing, but he felt the black fencing would be less visible than bright white fencing and wants the fencing to be minimally visible. He submitted two options because they are flexible with the choice. Mr. Ramsland said the minimum requirement for a pool fence is four feet in height and they will not go higher than that.



Ms. Tennor asked the applicant if he had more information on the planting that will screen the pool. Mr. Ramsland said not yet, but he intends to use local plants and use bigger vegetation anywhere that the pool would be visible from the street and to help to avoid erosion. Mr. Ramsland wants to use plantings that are consistent with vegetation on the property and that will emulate the historic house.

Ms. Zoren expressed concern with the pool concrete being so extensive in size and brightness. She said the concrete will go up to the house, but the Guidelines recommend minimizing poured concrete. Mr. Ramsland explained there is already an existing brick patio off the back of the house, that will be kept intact, so the concrete will not connect to the house directly due to the buffer from the brick patio.

Ms. Tennor asked Mr. Ramsland if the concrete was fairly representative as shown in the site plan in the application. Mr. Ramsland said that it was except for the extension off to the side by the driveway, which will come in closer to the pool. Mr. Roth said the concrete does not go all the way around the pool. Ms. Zoren said that concrete is okay around the pool deck, but the Commission needs to differentiate the pool deck from the patio so people don't start using concrete for patios. Mr. Roth said concrete should be limited to a well bounded area adjacent to the pool. Ms. Zoren suggested Mr. Ramsland extend the brick patio and concentrate the concrete deck around the pool only, farther away from the house. Mr. Ramsland asked if there was a specific distance from the house the concrete should be placed. Mr. Roth said that non-concrete materials should be at least half the distance between the house and the pool. Looking at the site plan, Ms. Tennor said there was a distance of 30 feet 7 inches from the rear wall of the house to the curved part of the pool and suggested that there should be 15 feet of brick in that distance and then 15 feet of concrete. The Commission explained they did not want

to establish a precedent of concrete patios being installed adjacent to the houses in the Historic District. Mr. Roth said the notion of the halfway thought is that it is visually clear that the concrete is associated with the boundary of the pool, but the patio associated with the house is constructed in the brick material. Ms. Zoren said 15 feet of concrete around the pool will allow circulation around the pool and for patio furniture to be near the pool. Mr. Ramsland said 15 feet of concrete should not be an issue.

Ms. Tennor said the application mentioned a slide. Mr. Ramsland said that he would like to add a boulder that is 4 to 5 feet high, and a 20 to 25 foot long slide. There are two options to support the slide, both require footers and raised beams that the slide is supported on. Those can be exposed openly, which Mr. Ramsland does not prefer, or there could be a raised berm with a column to support the slide. He is proposing a raised berm, which would be roughly 6 to 6.5 feet high.

Mr. Ramsland explained he is trying to position the slide to make it less visible from the road. Mr. Ramsland said he would like to flip the current pool orientation 180 degrees, which would mirror the design, and put the slide directly behind the pool (against the trees), so that it is then shielded by the house, rather than building the slide off to one side. Mr. Ramsland said the pool orientation would be a complete mirror, so the size of the pool would not change. Flipping the layout would also allow him to avoid building the patio over the septic line. Mr. Ramsland said the entrance to the pool would be from the driveway. Ms. Tennor said the slide would be 6 feet high and Mr. Ramsland confirmed that is correct. Mr. Shad asked if installing the slide would affect any of the trees on the property. Mr. Ramsland said that there is enough distance from the pool as to not affect the trees that are currently on the property.

Ms. Tennor wondered if the Commission has enough information to approve the application, as so many parts of the application are still in flux. Mr. Ramsland explained the main thing he would like to have approved this evening is the ability to dig the pool based on the design. He understands there may be some outstanding issues that need to be addressed. Mr. Ramsland said he would like for one of the two proposed designs to be approved, and he proposed the second option because he finds it would make the slide and pool less visible. Mr. Roth said the Commission could approve the overall pool design with the axis flipped perpendicular to the house. The Commission discussed a motion for the brick patio and concrete deck. Ms. Tennor said the applicant could come back with another submittal for the actual paving, patio and the plants. Mr. Roth said the Commission could approve the location of the pool, so Mr. Ramsland could start digging the pool.

Mr. Reich asked if Mr. Ramsland had to get a permit to get the pool put in. Mr. Ramsland explained the various permits needed. Mr. Reich said in order to get those permits, DILP would need a detailed site plan showing topography, location, dimensions, limit of disturbance, information on all materials, coping and property lines, which is what the Commission should have in order to make a determination. Mr. Reich felt that the Commission only received a conceptual plan. Mr. Reich said he would be willing to leave approval up to staff to review and approve once Mr. Ramsland submits that information based on what the Commission has seen tonight, but the Commission needs detailed site plan on record.

Mr. Ramsland said he will submit the final pool builder documents to get the review from staff. Mr. Reich said the Commission will not have a problem with any of the details presented tonight as long as the pool is behind the house, everything stays out of view from the street and Mr. Ramsland puts in the additional brick patio.



The Commission and Mr. Ramsland discussed the timeline for the construction of the pool. Mr. Ramsland said the pool must be dug by January 1<sup>st</sup>. Mr. Roth asked what the targeted completion date was. Mr. Ramsland said structural elements and gunite need to be done first. The patio, plaster and coping will not be completed until early spring.

Ms. Burgess said that page 13 of the agenda detailed the seven items the applicant was seeking approval for and asked the Commission to review the items to see which items could be approved now, and what would need to be tabled. Ms. Holmes said that DILP has signed off on a residential pool or spa permit for the property, but she has held the permit in Zoning. Ms. Holmes read Items 1 through 7 from the proposed work for the Commission to discuss:

- Item 1, pool coping – The Commission was fine with this item.
- Item 2, waterline tile - The Commission was fine with this item.
- Item 3, pool lining – The Commission was fine with this item.
- Item 4, pool accessories (stepping stones, boulder feature, slide with a raised bed to support the boulder and slide) - More information is needed on this item and should be shown on a scaled site plan.
- Item 5, deck surrounding pool – This should be shown on the site plan with a reduced concrete deck, with the brick patio addressed.
- Item 6, four foot tall black aluminum fencing surrounding pool in the style Hancock or Antietam – The Commission was fine with this item and with either style option.
- Item 7, mechanical equipment – The Commission was fine with this item.

Ms. Burgess said it was the landscape and the hardscape that needed more information and asked if the Commission would consider it for minor alterations. Mr. Roth said they could approve the sketch of the site flipped 180 degrees with the final design and site plan to be



approved by staff, based on their comments. Mr. Roth said the Commission should get another submission for February showing the specific fence location, the boulder feature and the water slide.

**F. Motion**

Mr. Roth moved to approve Item 1, the pool coping; Item 2, the waterline tile; Item 3, the pool lining and Item 7, the mechanical equipment as submitted, with the sketch of the site plan flipped 180 degrees off an axis perpendicular to the house, from what was submitted, with the final site plan drawing to be approved by staff. The applicant will return with Item 4 (pool accessories – boulder, slide), Item 5 (concrete deck and brick patio), and Item 6 (fencing) in February. Advisory Comments are with respect to the aluminum fence being approvable if it is not visible, plain untinted brushed concrete is approved as long as it does not dominate and will be approved on the final site plan.

Ms. Zoren seconded. The motion was unanimously approved.

Mr. Roth asked if Mr. Ramsland would like to withdraw Items 4, 5, and 6. Mr. Ramsland withdrew Items 4 (pool accessories – boulder, slide), 5 (concrete deck and brick patio), and 6 (fencing) from his application for approval.

Mr. Roth moved to adjourn the meeting at 8:46 pm. Mr. Reich seconded. The motion was unanimously approved.

**Conclusions Of Law**

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

**A. Standards of Review**

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Lawyers Hill Historic District Design Guidelines. Chapter 4 sets forth the relevant standards for rehabilitation of historic properties, as detailed in the Findings of Fact, part C. Chapter 7 sets forth the relevant recommendations for New Construction: Additions, Porches and Outbuildings, as detailed in the Findings of Fact, part C. Chapter 9 sets forth the relevant recommendations for Landscape and Site Elements, as detailed in the Findings of Fact, part C.

**B. Application of Standards**

Applying these standards and guidelines to the Subject Property, the Commission finds that it does not contribute to the historic significance of Lawyers Hill. Consequently, in reviewing the application, the Commission will be lenient in its judgment. The Commission finds that the Applicant's proposal, as approved here, would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant originally proposed to construct a pool, with a boulder slide, deck, and fence at the rear of a significant historic home in the District. The Applicant withdrew the slide, deck, and fence from consideration until further details are available. In general, the pool itself is in keeping with Guideline recommendations in terms of its location and it will not be readily visible from the public way. Because the structure is primarily underground, it will not significantly impact the current historic landscape setting that is characteristic of the District's heavily treed border areas. Accordingly, the Commission approves the pool location, with final confirmation by Staff of a site plan drawing that reflects the Commission's comments herein, including the orientation of the pool to further hide the potential boulder slide, which will be the subject of a future application. Any proposed work other than the proposed pool size and location, and the elements of construction specifically approved in this Decision, will be the subject of a future application.

In general, the Commission notes that the size and scale of the proposed deck area and adjacent brick patio that is connected to the historic home must be determined, in addition to the use of materials, with concrete being disfavored, but considered for the immediate area around the pool. The proposed deck, slide, fence and other features associated with the pool will be considered in future applications.

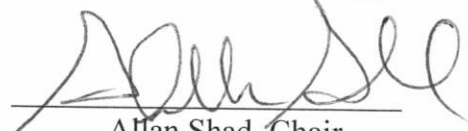
For these reasons, and for the reasons identified in the Staff Report, the Commission concludes that the proposed work approved herein will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Lawyers Hill Historic District.



### ORDER AND CERTIFICATE OF APPROVAL

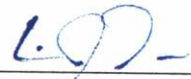
Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 5 to 0, it is this 6 day of February, 2020, **ORDERED**, that the Applicant's request for a Certificate of Approval to perform exterior alterations at the Subject Property, is **APPROVED, as amended and detailed herein.**

#### HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

  
Allan Shad, Chair  
Bruno Reich  
Drew Roth  
Eileen Tennor  
Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

  
Lewis Taylor  
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.